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Waste Management Program  
Northeast Regional Office  
99 East Union Street - 2nd Floor  
Wilkes-Barre, PA 18701-3296  
(717) 826-5526 or (717) 826-2516

December 26, 1991

CERTIFIED MAIL NO. P 631 370 732

Mr. James Tedesco  
Tri-County Sanitation Company  
P.O. Box 450  
Pittston, PA 16640-0450

RE: Tri-County Sanitation Company  
Denial of Municipal Waste  
Phase II Permit Application  
ID# 101510  
Foster Township, Luzerne County

Dear Mr. Tedesco:

The Department has completed its review of the March 15, 1991 submittal in response to the October 3, 1990 comment letter pertaining to the above-referenced permit application. The Department's determination included the review of completed Phase II application submitted on March 9, 1991, revisions to Addendum #1 submitted July 23, 1990, and supplemental information received October 3, 1990. In addition, the Department has reviewed the August 1991 submissions made by Michael J. Pasonick Jr., Inc., on behalf of the Supervisors of Foster Township and the submission by Richard E. Mabry, P.E., Consulting Engineer on behalf of S.O.L.E. II. The Department has expended a great deal of time reviewing these submissions and has determined that the application does not adequately address all issues raised in the October 3, 1990 comment letter. Therefore, because the application has failed to provide the information necessary to demonstrate affirmatively that it would be in compliance with the Municipal Waste Planning, Recycling and Waste Reduction Act, the Solid Waste Management Act and the rules and regulations promulgated thereunder, the Department, pursuant to 25 Pa. Code §271.201 hereby denies this permit application.

The following comments identify the areas within the application which the Department has identified as reasons for this denial.

1. The applicant has failed to comply with Section 273.120(a) of the municipal waste regulations which requires the applicant submit sufficient information to evaluate the potential for mine subsidence damage to the facility. The deep dynamic compaction proposal calls for the removal of unconsolidated mine spoil material down to within 40' of bedrock and subsequent densification of the remaining mine spoil. The proposal does not adequately address the following:

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- (a) The plan does not demonstrate, that this section of the landfill can be compacted enough to address the potential for failure to the facility.
  - (b) Address the deep dynamic compaction in reference to the outlying systems which are part of the entire facility.
  - (c) The deep dynamic compaction plan lacks the actual limits concerning how far it is being proposed to terminate the primary and secondary impact locations from the edge of the compaction area of concern.
  - (d) The application did not adequately address the impact of differential settlement or subsidence on slope stability.
  - (e) No contingency information has been provided as an alternate to replace the deep dynamic compaction plan.
2. The applicant has failed to comply with Section 273.272(b) Basic Treatment Methods regarding leachate treatment which requires a permit under the Clean Streams Law (35 P.S. 55501.1-591.1001). No NPDES permit has been issued by the Water Quality Management Program and the existing application can not be acted upon until a determination from the Delaware River Basin Commission has been issued addressing the total dissolved solids levels for the proposed discharge into Buck Mountain Creek. The applicant has submitted a written request asking the Department not to act on their NPDES permit application until the DRBC issues are resolved.
3. The applicant has not complied with Section 271.127 Environmental Assessment of the Municipal Waste Regulations which requires a detailed analysis of the potential impact of the proposed facility on the environment including traffic.

The applicant has failed to provide to the Pennsylvania Department of Transportation detailed drawings, traffic studies, site distances, access design and overall effects for the safety of the general public relating to those specific areas where an occupancy permit would be required.

The applicant has failed to provide bonding calculations with justifications of figures which are required for all work associated with the Pennsylvania Department of Transportation. The bond must be submitted to and approved by the Department of Transportation prior to a permit issuance.

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4. The application has not demonstrated compliance with Act 101-Section 507(a)(1) or (a)(2). The applicant has certified that at least 70% of their 2000 T/D daily waste volume will originate within Pennsylvania. However, the application does not contain any documentation showing that any county waste plan will authorize disposal at the proposed facility.
5. The Department has determined that the application does not contain accurate information regarding the violation history of the applicant or related parties. The Department determined that numerous violations and bond forfeitures related to either Pagnotti's or Beltrami's coal operations are not identified in the Form C - Compliance History.
6. The applicant has provided an operational Quality Assurance/Quality Control plan which fails to address specific details pertaining to the following:
  - a. Although the applicant has submitted a plan to abate the potential for differential settlement in the area of the landfill disposal footprint, no quality assurance/quality control inspection, documentation has been provided.
  - b. Section 273.132(2) requires that the operational plan narrative explain the method and schedule for construction, operation, modification, use, maintenance and post closure use for various landfill support structures. These structures include impoundment, scales, water and air pollution control facilities, erosion and sedimentation control facilities, and other various support buildings and structures. The Tri-County differential settlement abatement plan has not addressed the relevance or intent to insure that the above required support facilities will be treated with the same importance as the landfill disposal area.
  - c. In addition, support structures and buildings such as the leachate pretreatment building and the leachate holding tanks and/or impoundments have the potential for contaminating the groundwaters of the Commonwealth. This potential is increased if such facilities are not constructed above a stable and unyielding foundation. No information has been provided in the Tri-County landfill application which indicates whether or not the proposed leachate support structures are intended to be located over unconsolidated mine spoil. As required under Section 273.133 concerning the use of maps and a grid system.

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4. The Tri-County application included a Gundle Lining Systems Construction Quality Assurance Manual for the installation of polyethylene lining systems. This manual requires that the subgrade surface provide a firm, unyielding foundation for the membrane (see Page 11 of the manual). However, the QA/QC Subbase Inspection documentation form does not include inspection criteria relative to the densification of the underlying mine spoil material. This is required under Section 273.161(a)(2) concerning a plan for installing a liner system, and Section 273.161(b) concerning the liner installation QA/QC plan.
7. The applicant has not complied with Section 273.151 Erosion and Sedimentation Controls in the Municipal Waste Regulations.
  - a. The applicant has not delineated temporary stockpile locations associated with the deep dynamic construction and has not provided any erosion and sedimentation controls associated with them.
  - b. TCS has indicated that the design of off-site soil borrow areas are covered by active mining permits and do not need to be contained in the waste permit application. The areas are designated as off-site even though they are located on the properties of the applicant. The review has determined that the areas are not covered by the active mine permits and therefore should be covered by the municipal waste landfill permit application. The design for the construction, siting/sequencing, processing and erosion/sedimentation control management are required for the soil borrow areas to be incorporated into the landfill design.
  - c. Numerous questions are still outstanding on the Form 17 Erosion and Sedimentation Controls pertaining to swales, ditches, channels, basins, etc. which make the submission deficient including lack of correspondence from Dams and Waterway Management Program as to permitting requirements for various proposed basins.
8. The applicant has failed to comply with Section 273.131 concerning the bond amount determination.

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- a. The Department can not verify the calculated total bond liability because of the numerous design deficiencies. Therefore, the costs to the Commonwealth to conduct closure and postclosure care activities at the point in the life of the facility when costs to the Commonwealth is greatest can not be determined. Critical issues such as construction schedule, closure schedule, restoration of off-site borrow areas, leachate management are examples of the design deficiencies.

This action of the Department may be appealable to the Environmental Hearing Board, 101 South Second Street, Suites 3-5, Harrisburg, PA 17101, (717/787-3433) by any aggrieved person pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514; and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A. Appeals must be filed with the Environmental Hearing Board within thirty (30) days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the regulations governing practice and procedure before the Board may be obtained from the Board. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Sincerely yours,

William E. McDonnell  
Regional Solid Waste Manager

cc: Foster Township  
Lousanne Township  
Luzerne County Planning Commission  
Luzerne County Commissioners  
Carbon County Planning Commission  
Carbon County Commissioners  
SOLE II

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